

**ZB# 99-35**

**James Rinaldi**

**51-1-83.11**

#99-35- Rinaldi, James

area - 51-1-83.11.

Prelim.

Aug. 9, 1999.

Public Hearing:

Sept. 13, 1999.

Approved

Refund \$198.50

Wilson Jones • Certificates • 8164 • NOR Duploms • 8167 • CL Trols

© Wilson Jones, 1980

DATE Aug. 16, 1999 **RECEIPT** 134240

RECEIVED FROM James A. Quinn

Address

Fifty 00/100 DOLLARS \$50.00

FOR ZBA # 99-35

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CHECK #	<u>3448</u>
AMOUNT PAID		CHECK	<u>5000</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy H. Hansen  
cr

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Rinaldi, James

FILE# 99-35

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*paid 3448  
ck. #*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*ck # 3429  
9/16/99 Pub.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 8/10/99-4 ..... \$ 18.00  
2ND PRELIMINARY- PER PAGE 9/12/99-3 ..... \$ 13.50  
3RD PRELIMINARY- PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE ..... \$       
PUBLIC HEARING (CONT'D) PER PAGE ..... \$       
TOTAL ..... \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 8/24/99 ..... \$ 35.00  
2ND PRELIM. 9/13/99 ..... \$ 35.00  
3RD PRELIM. .... \$       
PUBLIC HEARING. .... \$       
PUBLIC HEARING (CONT'D) ..... \$       
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$       
TOTAL ..... \$ 101.50

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL CHARGES DUE) ..... \$       
REFUND DUE TO APPLICANT \$198.50

Approved: Patricia C. Bankart  
ZBA.



**JAMES A. DILLIN, P.L.S.**  
204 MAIN ST.  
GOSHEN, NY 10924

3448

DATE August 16, 1999 50-683 309  
219

PAY  
TO THE  
ORDER OF Town of New Windsor

**JAMES A. DILLIN**  
- SURVEYOR - **50 DOLS 00 CTS**

\$ **50.00**

DOLLARS



KeyBank National Association  
Goshen, New York 10924  
1-800-KEY2YOU

FOR Rinaldi ZBA #99-35

⑈003448⑈ ⑆021906934⑆ 323090000437⑈



**JAMES A. DILLIN, P.L.S.**  
204 MAIN ST.  
GOSHEN, NY 10924

3429

DATE 7/29/99 50-683 309  
219

PAY  
TO THE  
ORDER OF Town of New Windsor

**JAMES A. DILLIN**  
- SURVEYOR - **300 DOLS 00 CTS**

\$ **300.00**

DOLLARS



KeyBank National Association  
Goshen, New York 10924  
1-800-KEY2YOU

FOR Rinaldi #ZBA 99-35

⑈003429⑈ ⑆021906934⑆ 323090000437⑈

-----X  
In the Matter of the Application of

**JAMES RINALDI**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#99-35.  
-----X

**WHEREAS, JAMES RINALDI**, residing at 531 Beattie Road, Rock Tavern, N. Y. 12575, has made application before the Zoning Board of Appeals for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow an existing shed that is closer to road than principal residence, at the above residence in an R-1 zone; and

**WHEREAS**, a public hearing was held on the 13th day of September, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, James Dillon appeared for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spectator spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance to allow an existing shed which is closer to the road than the principal residence.

(c) The shed does not cause any drainage problems nor does it divert water run off or cause any ponding of water.

- (f) Other homes in the neighborhood have similar sheds.
- (g) The shed is not located on the top of any water or sewer easements. The lot on which it is located is irregularly shaped and is on the corner of two streets.
- (h) The shed is not located on the top of any water or sewer easements.
- (i) During the time the shed has been erected there have been no complaints either formal or informal.
- (j) The shed has existed for approximately 15 years and is not visible from the roadway.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a

request for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow an existing shed which is closer to road than principal residence, located at the above address in an R-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 8, 1999.

A handwritten signature in cursive script, appearing to read "James Nugent", is written over a horizontal line.

Chairman

Date 9/25/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED		ALLOWED	
7/13/99		Zoning Board Mtg	75	00		
		Misc - 3				
		Ross - 5				
		TGS Assoc. - 6				
		Johnson - 5				
		Anderson - 3				
		Opquest Realty - 3				
		Pospisil - 3				
		Rinaldi - 3				
		31	139	50		
			214	50		

RINALDI, JAMES

MR. NUGENT: Request for variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow existing shed ~~and pool~~ to be located closer to road than principal dwelling at 531 Beattie Road in an R-1 zone.

Mr. James Dillon appeared before the board for this proposal.

MR. NUGENT: Is there anybody in the audience? Let the record show that there's no one here. Okay, sir, you're on.

MR. DILLON: What we have is existing pool and shed located in the front yard, front of the dwelling, I believe the pool had a building permit issued for it. these things have existed for like 15 years. I think we have showed the uniqueness of this property where it's totally screened from the road, it's the house, shed possibly you can just see the corner of the shed up the driveway, but the improvements that we're talking about are really you can't see them at all.

MR. BABCOCK: Mr. Chairman?

MR. KRIEGER: This is some distance from the road in addition.

MR. DILLON: Yes.

MR. BABCOCK: Mr. Chairman, at the last meeting, I talked about the pool and when I went back to talk to Frank, we went through the code again about the pool and the pool is not required, it's not allowed to be in any required front yard setback. So if it's farther than the front yard setback, it can be closer to the street than the principal building. So the pool does not need a variance, the shed does because it's projecting closer to the street than the principal building.

MR. KRIEGER: The principal building in this case is actually facing more the toward rear of the property the way it's facing.

MR. DILLON: That's true, really, you enter from the back.

MR. KRIEGER: So, if you're standing at the front door of the house, the shed, if allowed in the location that you have asked for, would actually be in the back of the house as it appears?

MR. DILLON: As it appears, yes.

MR. KANE: No types of drainage problems, runoff or anything from the shed?

MR. DILLON: No.

MR. KANE: No complaints from neighbors?

MR. DILLON: No.

MR. REIS: Mr. Chairman, for the record, my office is involved in the sale of this property. It will not affect my voting on it.

MR. NUGENT: Okay.

MR. KRIEGER: And the shed is similar to other sheds in the area, not identical, but there are others similar?

MR. DILLON: Similar, yes.

MR. NUGENT: Can't see it anyway.

MR. REIS: Accept a motion?

MR. NUGENT: If there's no further questions. Do you have enough, Andy?

MR. KRIEGER: Yes. Now, as I remember from the preliminary, it's hidden from the road even because of the denseness of the woods, even when the trees are, when the leaves are off the tree.

MR. DILLON: It will be hard to see anything.

September 13, 1999

30

MR. KRIEGER: Any time of the year?

MR. DILLON: Yes, any time of the year.

MR. TORLEY: Mr. Chairman, I move that we grant Mr. Rinaldi his requested variances.

MR. KANE: Second the motion.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

**531 Beattie Road**

**View from the road looking down the driveway toward the house.**



## 531 Beattie Road

Standing in front of the shed, this is the view looking toward the Digeratu property (now or former owners). The direction is north east.



**531 Beattie Road**

**View from the shed area looking toward Beattie Road.**



## 531 Beattie Road

Standing in front of the shed, this is the view looking toward the Congelosi property (now or former owners). The direction is south west.



531 Beattie Road

View from the deck looking toward the road.



OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

*Prelim.*  
*Aug. 9, 1999*  
*99-35.*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: July 21, 1999

APPLICANT: James Rinaldi  
531 Beattie Road  
Rock Tavern, New York 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing Shed

LOCATED AT: 531 Beattie Road

ZONE: R-1

DESCRIPTION OF EXISTING SITE: 51-1-83.11

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed installed without first obtaining a building permit, the shed is located closer to road than house.

#2. Pool.

  
BUILDING INSPECTOR

PERMITTED not

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: USE: 48-14-A-4

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

date

# APPLICATION FOR BUILDING PERMIT

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

## INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

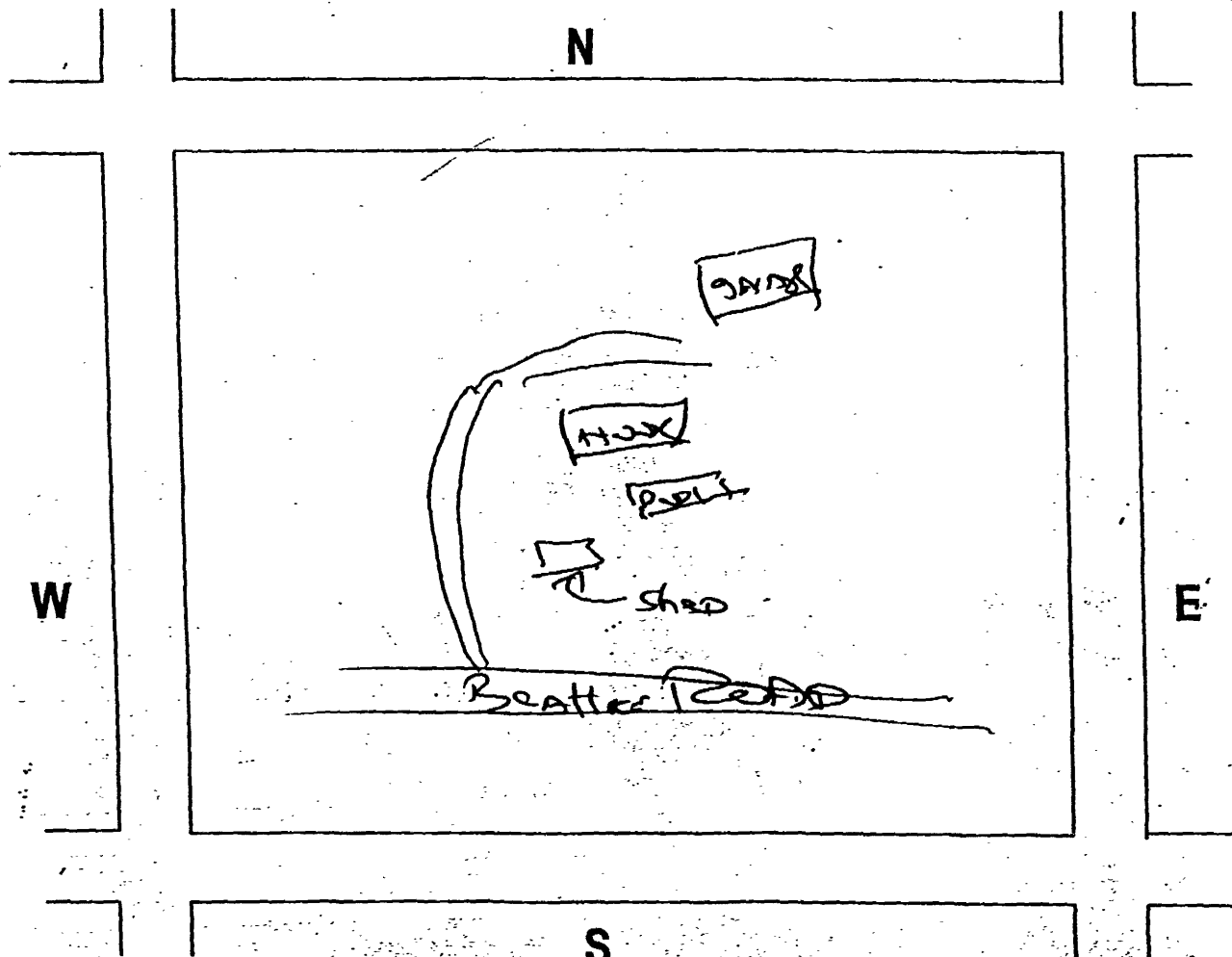
(Owner's Signature)

(Owner's Address)

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring).
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Rinaldi James

Address

531 Beattie Road

Home Phone

496-3076

Mailing Address

work 343-6678

Name of Architect

Address

Phone

Name of Contractor

Dave

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

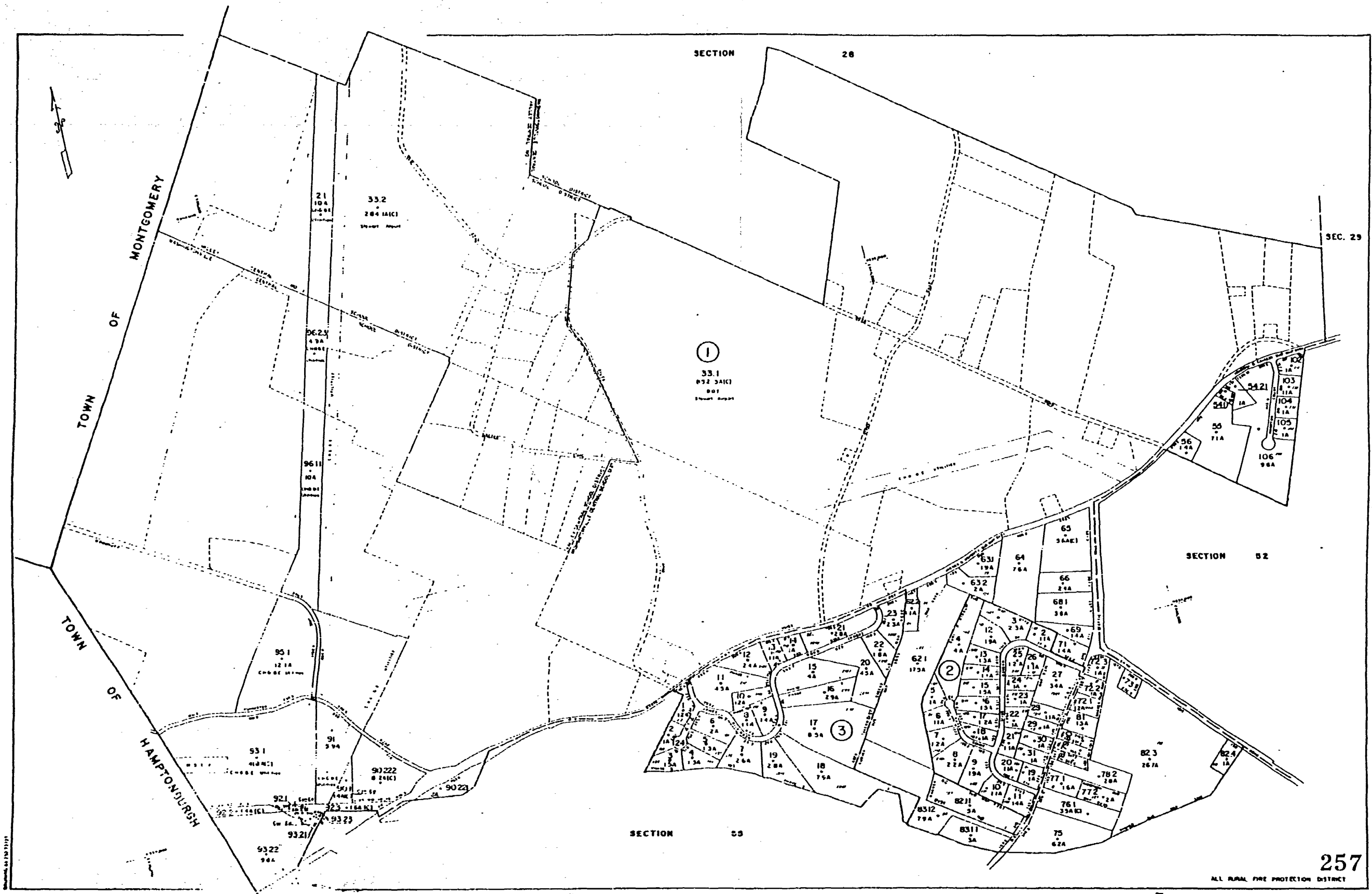
Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the W 1st side of Bentley Road  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N X
3. Tax Map Description: Section 51 Block 1 Lot 83-11
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Residential b. Intended use and occupancy San
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ Shed
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 12 Rear 18 Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_
- Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \$ 750 Fee \_\_\_\_\_

1 / ARANCE Kwood



Prepared by  
 ORANGE CO. TAX MAP DEPT.  
 MAIN ST., ORANGE, N. Y. 10824  
 1989  
 FOR TAX PURPOSES ONLY  
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
1. LOT	2. BLOCK	3. DISTRICT	4. TOWN
5. ROAD	6. RAILROAD	7. WATER	8. WOODS
9. SWAMP	10. CREEK	11. LAKE	12. POND
13. FILL	14. DITCH	15. FENCE	16. GATE
17. BRIDGE	18. TOWER	19. CHURCH	20. SCHOOL
21. HALL	22. STORE	23. MILL	24. FACTORY
25. WAREHOUSE	26. BARN	27. SHED	28. GARAGE
29. DRIVE	30. PORCH	31. PATIO	32. DECK
33. FENCE	34. GATE	35. BRIDGE	36. TOWER
37. CHURCH	38. SCHOOL	39. HALL	40. STORE
41. MILL	42. FACTORY	43. WAREHOUSE	44. BARN
45. SHED	46. GARAGE	47. DRIVE	48. PORCH
49. PATIO	50. DECK	51. FENCE	52. GATE
53. BRIDGE	54. TOWER	55. CHURCH	56. SCHOOL
57. HALL	58. STORE	59. MILL	60. FACTORY
61. WAREHOUSE	62. BARN	63. SHED	64. GARAGE
65. DRIVE	66. PORCH	67. PATIO	68. DECK
69. FENCE	70. GATE	71. BRIDGE	72. TOWER
73. CHURCH	74. SCHOOL	75. HALL	76. STORE
77. MILL	78. FACTORY	79. WAREHOUSE	80. BARN
81. SHED	82. GARAGE	83. DRIVE	84. PORCH
85. PATIO	86. DECK	87. FENCE	88. GATE
89. BRIDGE	90. TOWER	91. CHURCH	92. SCHOOL
93. HALL	94. STORE	95. MILL	96. FACTORY
97. WAREHOUSE	98. BARN	99. SHED	100. GARAGE

ORANGE COUNTY-NEW YORK  
 Photo No. 8-499,300 Date of Map 9-24-67  
 Date of Photo 3-1-63 Date of Revision 1-1-71  
 Scale 1" = 400'

TOWN OF NEW WINDSOR  
 Section No. 31

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

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LOCATED AT: 531 Beattie Road

ZONE: R-1


DESCRIPTION OF EXISTING SITE: 51-1-83.11

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed installed without first obtaining a building permit, the shed is located closer to road than house.

#2 EXISTING POOL IS LOCATED CLOSER TO ROAD THAN  
HOUSE

REVISED  
8-9-99

  
BUILDING INSPECTOR

PERMITTED not

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: USE: 48-14-A-4

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
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FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Rinaldi, James

Address 531 Beattie Road Home Phone 496-3076

Mailing Address \_\_\_\_\_ work 343-6678

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor ADJO

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the W side of Beattie Road  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N X
3. Tax Map Description: Section 51 Block 1 Lot 83-11
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Residential b. Intended use and occupancy San
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ Shed
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 12 Rear 18 Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_
- Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$ 750 Fee \_\_\_\_\_

1/Varance needed

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

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- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

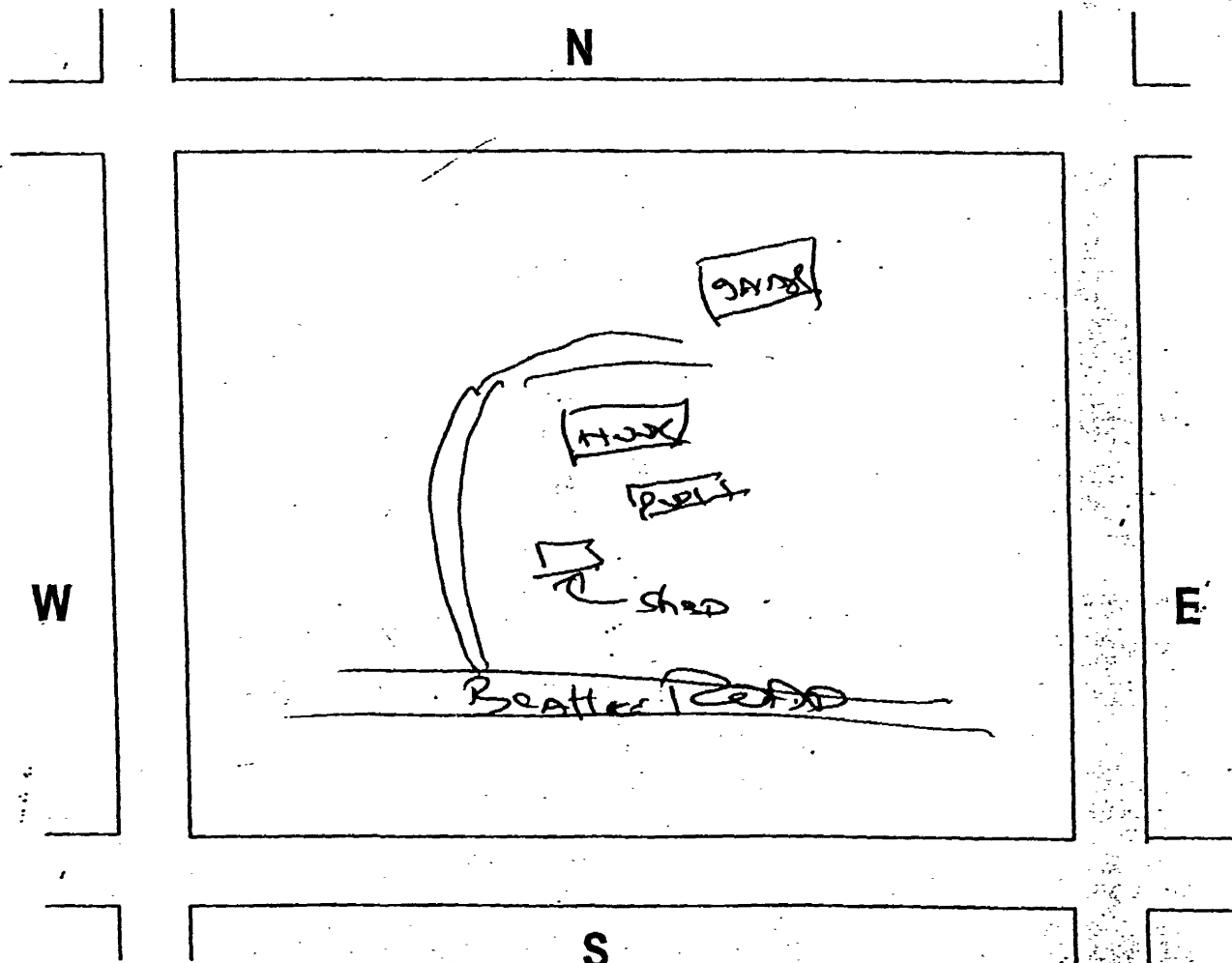
(Owner's Signature)

(Owner's Address)

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Date ....., 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/9/94	Zoning Board Mtg		75 00	
	Misc - 2			
	Fox - 1			
	Ronald - 4	18.00		
	Windsor Academy - 15			
	Wolf - 6			
	Kadian - 2			
	Barbera - 3			
	Yonkers - 2			
	Clement - 2		166 50	
		37		
			241 50	

RINALDI, JAMES

MR. NUGENT: Request for variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow existing shed at 531 Beattie Road, Rock Tavern in an R-1 zone.

Mr. James Diller appeared before the board for this proposal.

MR. DILLER: The building, the shed that's located closest to the road on Beattie Road is what we're here for the variance for. It's located within the front yard in front of the dwelling. It was built in 1991.

MR. NUGENT: That's it right here?

MR. DILLER: Yeah, that's it now, I have pictures of what it looks like.

MR. NUGENT: Pool is in front of the house too?

MR. DILLER: I believe there was a permit and the pool is not a problem, it's just the shed that was the problem because it was built just after the pool. This is what it looks like looking down the driveway, it's a totally wooded lot in the front, you can just see the shed on the bottom right, I think right there.

MR. KANE: What's stored in the shed?

MR. DILLER: The pool supplies.

MR. KANE: Filter system?

MR. DILLER: Yes, yes.

MR. KANE: Electric and power to the shed?

MR. DILLER: No, there's no electric or power now, this is looking from the shed forward.

MR. NUGENT: How far is the shed from the road approximately?

MR. TORLEY: You cannot see this house from the road

MS. BARNHART: Do you have any idea how much it is?

MR. BABCOCK: The pool, the rules for the pool are the same as the shed, there's no setback, just says it can't be there.

MS. BARNHART: You want to add that?

MR. BABCOCK: He did receive a building permit for the pool, not a C.O.

MR. NUGENT: Does anybody have a problem with doing that?

MR. KANE: No, I think it makes sense.

MR. NUGENT: Clean it up once and for all.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes, just hold on one second, you want to change it on there?

MR. REIS: Just for the record, prior to the motion that I am very familiar with the property and it's totally void of any sight from the road when the foliage is on the trees, it's quite a ways, over 150 feet back from the road.

MR. KRIEGER: Even when the foliage is on the trees looks like it's pretty thick.

MR. REIS: Yeah, barley visible.

MR. TORLEY: Sometimes you can see the house lights, that's it.

MS. BARNHART: You need to bring back the photographs for the public hearing.

MR. TORLEY: I move that we set up Mr. Rinaldi for public hearing on requested variances for his pool and shed.

August 9, 1999

6

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MS. BARNHART: Did I give you applications?

MR. DILLER: I have an application and the mailings.

MS. BARNHART: So that in other words, I gave you these two with the applications?

MR. DILLER: Yes, I have all that, yes.

MR. KANE: Pat, does his mailings have to change to include the pool?

MS. BARNHART: I don't think so. I don't know, actually, we haven't done the legal notice anyway, so we'll just get it in.

MR. DILLER: So we're scheduled for September?

MS. BARNHART: Not until you file the paperwork is in. The next meeting is September for your information, September 13.



**JAMES A. DILLIN, P.L.S.**

204 MAIN ST.  
GOSHEN, NY 10924

3448

DATE August 16, 1999 <sup>50-693</sup>219 309

PAY  
TO THE  
ORDER OF Town of New Windsor

\$ 50.00

JAMES A. DILLIN  
- SURVEYOR - 50 DOL 5 00 CTS

DOLLARS



KeyBank National Association  
Goshen, New York 10924  
1-800-KEYBANK

FOR Rinaldi ZBA #99-35

⑈003448⑈ ⑆021906934⑆ 323090000437⑈

*[Signature]*



**JAMES A. DILLIN, P.L.S.**

204 MAIN ST.  
GOSHEN, NY 10924

3429

DATE 7/29/99 <sup>50-693</sup>219 309

PAY  
TO THE  
ORDER OF Town of New Windsor

\$ 300.00

JAMES A. DILLIN  
- SURVEYOR - 300 DOL 5 00 CTS

DOLLARS



KeyBank National Association  
Goshen, New York 10924  
1-800-KEYBANK

FOR Rinaldi #ZBA 99-35

⑈003429⑈ ⑆021906934⑆ 323090000437⑈

*[Signature]*

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

James Rinaldi

Applicant.

#99-35

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on August 16, 1999, I compared the 19 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
16<sup>th</sup> day of August, 1999.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2001

*Pls. publish immediately. Send bill to Applicant.*

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 35

Request of JAMES RINALDI

for a VARIANCE of the Zoning Local Law to Permit: A POOL AND

A SHED TO BE LOCATED CLOSER TO  
THE ROAD THAN THE DWELLING.

being a VARIANCE of Section 48-14-A-4

for property situated as follows:

531 BEATTIE ROAD.

known and designated as tax map Section 51, Blk. 1, Lot 83.11

SAID HEARING will take place on the 13<sup>th</sup> day of Sept., 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Barnhart,  
Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-35

Date: 8/16/99

ROCK TAVERN N.Y.

I. Applicant Information:

- (a) JAMES RINALDI 531 BEATTIE ROAD 12515 294-5085  
(Name, address and phone of Applicant) (Owner)
- (b) STANLEY J AND CINDY CESARK.  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) JAMES A. DILLIN 38 SCOTCHTOWN AVE GOSHEN N.Y. 10924  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
- (☐) Area Variance (☐) Interpretation

III. Property Information:

- (a) R-1 531 BEATTIE ROAD 51-1-83.11 3.0 ACS.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES.
- (d) When was property purchased by present owner? 1977
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48, Table of 14 Regs., Col. A-4, to allow:  
(Describe proposal) THE LOCATION OF THE POOL

AND SHED IS CLOSER TO THE ROAD THAN THE DWELLING.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, ~~Table of~~ Supp. Yard Regs., ~~cat~~.

*A(4) - Existing pool & shed are closer to road than principal structure.*

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_

\_\_\_\_\_

VII. Interpretation N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Standard N. Y. U. T. V. Form 8007-Bargain and Sale Deed, with Covenant against Grantor's Acts-Individual or Corporation

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

LIBER 2062 PAGE 524

THIS INDENTURE, made the 21<sup>st</sup> day of March, nineteen hundred and seventy seven  
BETWEEN VIRGINIA N. EVANS, residing at 1 Valley View Drive, Town  
of New Windsor, Orange County, New York,

party of the first part, and JAMES RINALDI, residing at

223 main street  
Gastonia, New York 10924

**WITNESSETH**, that the party of the first part, in consideration of TEN and 00/100-----

-----(\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, ~~with the buildings now on property thereon~~ situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a monument set on the northwesterly side of Beattie Road where the same is intersected by the northeasterly line of lands now or formerly of Congelosi, formerly of the New York, Ontario and Western Railroad Company, running from thence (1) northwesterly along the said Railroad Company lands the following courses and distances:

- a) on a curve to the right, having a radius of 1,547.612 feet an arc distance of 347.375 feet to an iron pipe,
- b) north 54° 56' 00" west 100.00 feet to an iron pipe and
- c) north 51° 50' 06" west 177.83 feet to a monument;

thence through lands of Kubina (2) north 52° 49' 43" east 247.19 feet to a monument set fifty feet to the southwest measured on a right angle from a stone wall; thence still through the lands of Kubina, parallel to and 50 feet southwesterly from said stone wall; (3) south 50° 26' 37" east 599.49 feet to a monument on northwesterly side of Beattie Road; thence (4) along the northwesterly side of Beattie Road south 52° 49' 43" west 167.24 feet to the point or place of beginning.

Containing three acres, more or less.

BEING the same premises described in a deed from Aleck P. Kubina to Virginia N. Evans, dated February 26, 1975 and recorded in the Orange County Clerk's Office on February 28, 1975 in Liber 2001 of deeds at page 809.

BEING also designated as "PARCEL B" on that certain map made by William H. Youngblood, LS&PE, dated December 18, 1974 and revised January 17, 1975, entitled "Survey - PARCEL B, Lands to be Conveyed to Virginia N. Evans located in Town of New Windsor, Orange County, New York", which said map was filed in the Orange County Clerk's Office on February 18, 1975 as map #3387.

SUBJECT to covenants, restrictions and easements of record, if any, and

SUBJECT to grants of record to public utilities, if any, and

SUBJECT to the building and zoning ordinances and the regulations of the Town of New Windsor.

SUBJECT also to the following covenants and restrictions, which shall run with the land:

1. That said premises shall be used for residential or agricultural purposes only including the raising and selling of bait fish and other articles pertaining to fishing and that no other trade or business shall be carried on on said premises.

2. The premises shall not be subdivided into more than three (3) lots, and no lot shall contain less than one (1) acre.

3. No buildings shall be erected on any lot within 50 ft. of the front line thereof, nor within 20 ft. of any side line thereof.

4. No residential structure shall be erected or placed on any lot with a width of less than 100 ft. at the front building set back line.

5. No pigs or goats shall be kept or maintained on said premises..

6. A reasonable number of horses may be kept or maintained on the premises, provided they are kept within a secure corral.

7. No trailer, tent or shack shall at any time be used as a residence temporarily or permanently, nor shall any structure of temporary character be used as a residence nor shall any building containing less than 800 sq. ft. be used as a residence at any time, nor shall said premises be used as a dump for junk nor shall any automobiles be maintained or parked on said premises for purposes of trade or business.

8. No outdoor toilets shall be erected on said premises.

9. The purchaser and assigns forever shall maintain a substantial metal mesh stock fence, which shall be at least 5 ft. high and whose supports shall be no more than 10 ft. apart, along the entire northwesterly boundary of the three acre parce above described.

10. No construction equipment may be stored or kept on the premises, excepting temporary storage during times as such construction equipment actually is being used for construction or grading purposes on the premises.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

August 3, 1999

(19)

Mr. James A Dillin, PLS  
38 Scotchtown Ave  
Goshen, NY 10924

Re: Rinaldi, James

RE: 51-1-83.11

Dear Mr. Dillin

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, less your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerk at the above referenced parcel.

Sincerely,

S. Cook (ei)

Leslie Cook  
Sole Assessor

/jc  
Attachments

Cc: Pat Barnhart, ZBA

Paul E & Diane Sherman  
236 Seminary Avenue  
Yonkers, NY 10704

Scott R & Gloria M Wiesner  
550 Beattie Road  
Rock Tavern, NY 12575

Walter A Jr. & Elizabeth Krupa  
5 DeCamp Court  
Stony Point, NY 10980

William R Kelly  
PO Box 346  
Blooming Grove, NY 10914

Mircea Digeratu  
241 Beattie Road  
Rock Tavern, NY 12575

Carol & Edward Maloney  
1 Karen Court  
Rock Tavern, NY 12575

William K & Marjorie Byrnes  
5 Wagner Drive  
Rock Tavern, NY 12575

John J & Kathleen L Coffey  
3 Wagner Drive  
Rock Tavern, NY 12575

Robert E & Linda M Kean  
1 Wagner Drive  
Rock Tavern, NY 12575

R & C Mulligan Corp  
508 Beattie Road  
Rock Tavern, NY 12575

Raymond P & Carolyn K Mulligan  
387 Old Museum Road  
Monroe, NY 10950

Anthony Congelosi Jr  
Rt. 207 Box 54  
Rock Tavern, NY 12575

Keith J & Anne Pendleton  
514 Beattie Road  
Rock Tavern, NY 12575

Michael E & Donna G Saraga  
524 Beattie Road  
Rock Tavern, NY 12575

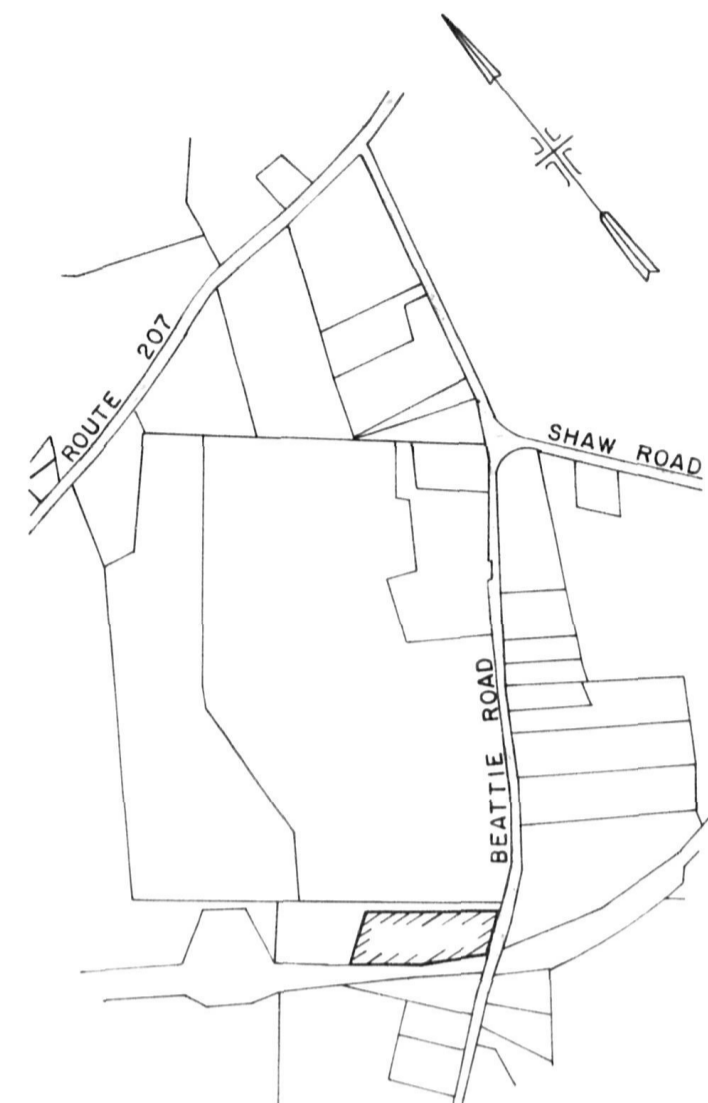
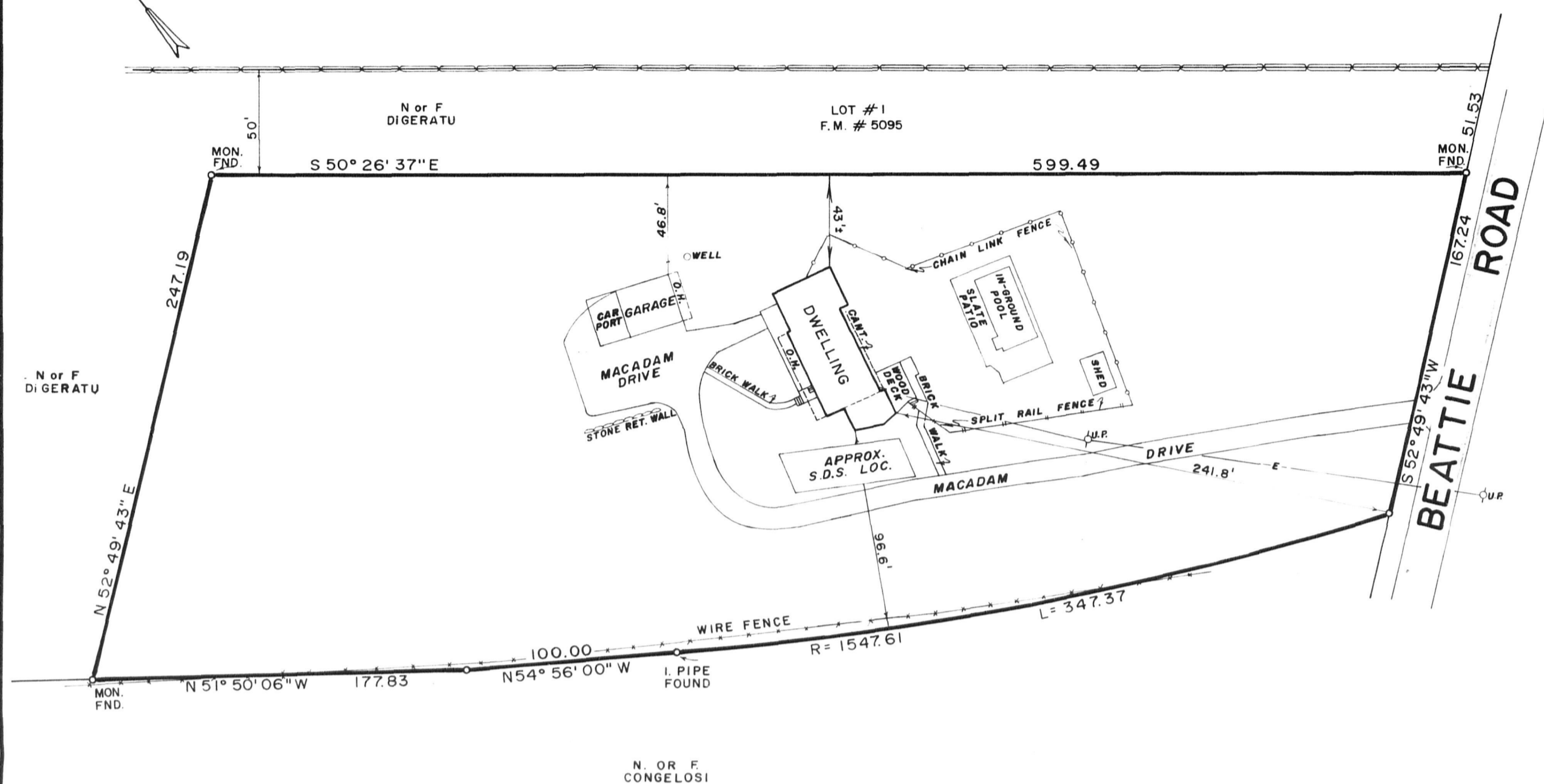
Janis Errichetti  
528 Beattie Road  
Rock Tavern, NY 12575

Richard C & Barbara C Baxter  
511 Beattie Road  
Rock Tavern, NY 12575

Edward J & Barbara J Doherty  
507 Beattie Road  
Rock Tavern, NY 12575

John & Ann Flannery  
519 Beattie Road  
Rock Tavern, NY 12575

Jacqueline n O'Malley  
532 Beattie Road  
Rock Tavern, NY 12575



VICINITY MAP  
SCALE: 1" = 800'

SURVEY OF PROPERTY  
FOR  
**JAMES RINALDI**  
TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK  
SCALE: 1" = 50' APRIL 1, 1977 TOTAL AREA = 3.00 ACRES



CERTIFIED TO: JAMES RINALDI, TO BE CORRECT AND ACCURATE.

COPIES OF THIS SURVEY NOT BEARING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID. GUARANTEES OF CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.